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February 6, 2024

VIA CM/ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Frank Liu vs. The Nielsen Company (US), LLC, et al.; Case No.: 1:22-cv-09084-JHR-OTW

Dear Judge Wang:

We represent Defendants The Nielsen Company (US), LLC and TNC US Holdings in this action (collectively, “Defendants”). Pursuant to the Court’s Order dated January 30, 2024 (ECF 56), we write to provide a proposed schedule on behalf of Defendants for completing briefing on Defendants’ Motion to Dismiss Amended Complaint (ECF 53) and Letter Motion to Stay Discovery. (ECF 55.) Counsel for Defendants met and conferred with Plaintiff Frank Liu (“Plaintiff”), but the parties have been unable to agree to a joint proposed briefing schedule.

Plaintiff filed his Complaint in the above-referenced action (the “Action”) on October 22, 2022 (ECF 1), and Defendants submitted a Motion to Dismiss Complaint on May 23, 2023. (ECF 28.) Plaintiff then filed an Amended Complaint on June 20, 2023. (ECF 44.) During a status conference on December 20, 2023, Your Honor instructed Defendants to file both their proposed motion to dismiss the Amended Complaint and any letter motion to stay discovery on January 26, 2024. Further, during the status conference, the Court set the following briefing schedule for the Motion to Dismiss Amended Complaint: Plaintiff’s opposition due February 23, 2024; Defendants’ reply due March 8, 2024. Pursuant to the Court’s instruction during the status conference, Defendants filed both motions on January 26, 2024.

On January 30, 2024, the Court issued an Order instructing counsel for Defendants to meet and conferred with Plaintiff regarding full briefing schedules for both motions. On that same date, counsel for Defendants met and conferred with Plaintiff. Defendants’ counsel proposed that the parties follow the briefing schedule set by the Court during the prior status conference for the Motion to Dismiss Amended Complaint, and that the parties follow the same schedule for the Letter Motion to Stay Discovery. Plaintiff did not agree to this proposed briefing schedule. Instead, Plaintiff informed Defendants’ counsel of his intention to file a motion to strike Defendants’ Motion to Dismiss Amended Complaint, stating that he believes that motion to have been untimely. Plaintiff also informed



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Defendants that he intends to file a motion to compel the discovery that is the subject of Defendants' Letter Motion to Stay Discovery.

Plaintiff's proposed motion to strike will serve only to needlessly multiply these proceedings since Defendants filed the Motion to Dismiss Amended Complaint on the date ordered by the Court. In the interests of judicial economy, Plaintiff should proceed with submitting an opposition to the Motion to Dismiss Amended Complaint. Likewise, Plaintiff should submit a response to the Letter Motion to Stay Discovery, not a motion to compel.

In view of the Court's instructions during the status conference on December 20, 2023, Defendants propose the following briefing schedule for both pending motions:

- **February 23, 2024:** Plaintiff's opposition due to Defendants' Motion to Dismiss Amended Complaint; Plaintiff's response due to Defendants' Letter Motion to Stay Discovery.¹
- **March 8, 2024:** Defendants' reply for both motions due.

Dated: Chicago, Illinois
February 6, 2024

Respectfully submitted,

A handwritten signature in blue ink that reads "Cardelle B. Spangler".

Cardelle Spangler (*admitted pro hac vice*)
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Attorneys for Defendants

cc: Plaintiff Frank Liu

¹ During the status conference on December 20, 2023, the Court did not set a full briefing schedule for the Letter Motion to Stay Discovery.